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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: PFALLER - 1 (PCT) EXAMINER: YONG D. PAK
SERIAL NO: 10/031,547 GROUP: 1652
FILED: JANUARY 18, 2002
TITLE: PYRF GENE AND THE UTILIZATION THEREOF

RESPONSE TO RESTRICTION REQUIREMENT

MAIL STOP: AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the Office Action dated July 13, 2004,
Applicant respectfully responds as follows:

The Patent Examiner has required a restriction to one
of the following two inventions:

Group I Claims 8 and 10-16, drawn to a DNA encoding an
orotate phosphoribosyl transferase, vector
comprising said DNA, host cell comprising said DNA
and a method of producing said transferase.

Group II Claim 9, drawn to an orotate phosphoribosyl
transferase encoded by the DNA Group I.

ELECTION:

The Applicant respectfully selects Group I with traverse, drawn to a DNA encoding an orotate phosphoribosyl transferase, vector comprising said DNA, host cell comprising said DNA and a method of producing said transferase as set forth in claims 8 and 10-16 for further prosecution.


It is believed that the present invention is directed to a unitary inventive concept, namely, pyrF gene and the utilization thereof. It is believed that any search for the group embodied in claims 8 and 10-16 would necessarily include a search for the group embodied in claim 9. Thus, a simultaneous search for all of the groups is believed not to constitute an unreasonable search for the Patent Examiner. In addition, it is believed that the objectives of streamlined examination and compact prosecution would be promoted if a search were conducted simultaneously for all of the groups. Also, the necessity of filing multiple patent applications for the same invention does not serve to promote the public interest. This is because of the extra expense that is involved, in filing fees and examination costs, as well as the burden upon the public due to the necessity of searching through a multiplicity of patent files in order to find the complete

range of subject matter claimed in several different patents that could otherwise be found in one issued patent only.

Applicant reserves the right to file a divisional patent application for the non-elected invention.

For all these reasons, it is respectfully requested that the restriction requirement under 35 U.S.C. 121 be withdrawn and that an action on the merits of all the claims be rendered.

Respectfully submitted,
PFALLER - 1 (PCT)



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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on August 11, 2004.


Maria Gaustella